G R S App F IX 4]

194 -

Rev. File No 165-43

Previous References

ML 98-39, 8&3 4 ( )

Rev 149-37 &159 612 + 14617

Later References

ML 149-52-1, 2

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

6

Part B for Sept-43

SUBJECT

(Authorising the D C Shimoga Dist- to grant- permission to erect- buildings in the Bombuled areas of the Bhadravathi minor municipality

To

The Computer Mys Gaz

No A 3743 d 29-9-43

Forwards a notification for publication in the matter of

KWS

Letter no MSPL 108 C 335/43-44 dated 6-8-43 from the Deputy Commissioner, Shimoga Dist- requesting to authorise him to grant permission to construct buildings in the prohibited areas of the Bhadravati Minor Municipality, Shimoga Taluk

1) The connected previous references are put up

Flags E & H

2) In notifications dated 8-11-38 and 10-10-39, erection of buildings in certain areas within the limits of the Bhadravati Minor Municipality is prohibited except with the permission of Govt- As submission of each case to Govt- under these notifications would involve unnecessary correspondence, the D C - granting permission for has requested that the power of erecting buildings in the areas referred to in the above notifications may be delegated to him to enable him to dispose of speedily all such cases

3) Under Section 107 of the Mysore Minor Municipalities Act, 1933, Govt- may, subject to such conditions and restrictions as may be prescribed, delegate any of its powers under the Act to any officers subordinate to it

4) In the circumstances stated by the D C Sh-

no go but, may perhaps the power of granting permission to erect buildings in the area in question may perhaps be delegated to them, after consulting the Law Section

(5) The Law Section may be consulted on the first instance - if under Sec 107 of the T-C Act, the above powers can be delegated to the D-C thereby Dist

Law Dept 10/8/43

Cus 4-8-43

7) Instrument of powers

Asst Dep Law Mem 11/8/43

14/8/43

8) Kind reference is invited to pages 509 and 523 of H&S Code Volume IX which contains the Provisions referred to in para 4 of the P & D and para 5 of the notes infra

Dep Secy 17/8

17/8/43

Dep Secy desires to see whether powers of Govt may be delegated to any officer subordinate but, subject to Council's presence

17/8/43

9) Are any consultations necessary under Sec 107?

Asst Secy 17/8

17/8/43

Law 205/43 14/8/43

Delegation of powers to the D C Shimoga u/s 1-
14/2/43 under the M M Act

Continuation Sheet ML File No / Current No 7 of 43) Page

~~No~~ general directions and restrictions have been prescribed under Section 107 of the Mysore Minor Municipalities Act, 1933 (Refce para 9 supra

Kw 18/8/43 JM

Dy Sec (Legislative) 18/8/43

~~Standing orders of the Legislature~~ by Secretary ~~Select~~

11 Under Sec 80 (1) of the Act Govt have power to prohibit the erection of Bldgs in certain areas in that behalf

Sec 80 (2) Govt may delegate this power to the D C subject to such conditions as may be fixed by them

12 This power, the Govt may delegate to the D C under Sec 107 of the Act (The conditions / restrictions to be prescribed under Sec 107 are not mandatory, but discretionary)

Law Secretary 3 18/8/43

13 Cir 16-8-43

15 Dy Sec (Legislative) 3 18/8/43 D C

19/8/43

17

In the circumstances stated, the D C Shimoga may perhaps be empowered to grant permission to erect buildings in the areas now prohibited in respect of Bhadravati old Town

1893

Kw 19/8/43 JM 20/8

Law Secy 19/8/43

SECY LAW DEPT 1948 MYSORE

Delegation passed to the Dy. Chief of Staff
re publicity by Ministry during absence of CIGS
in Washington

Continuation Sheet. 3 1 (File No. Current No of 43-111 Page 958

1h) The matter may be commenced delegated to the Dy. Commissioner Under S107.

Chief of Operations
Code 24.8.43
1566

Sec 23-8-43
Secret
Sec
17.9.43
Sec 20-9-43

Submitted with a draft notification for approval

Sir Alexander Hardinge has seen

3135-

Kim 20/9/43
JSL 21/9

Land Lease Sec 21.9
Sec 21-9-43
Secret
Sec

To

The Canadian Chiefs of Staff
No L 3743 d 25-7-43
Refers the recommendation of the
B C Standing Committee

Mr 165-43-3

GOVERNMENT OF MYSORE

Telegraphic Address

OFFICE OF

The Deputy Commissioner,

Shimoga District,

Shimoga

No
Encls M3.F.L. 108.C. 335/43-44.

Date 6th August 1943.

958

To

The Secretary to Government,

Law Department,

Bangalore

Sir

Subject - Prohibiting the construction of buildings in certain areas within the limits of the Bhadravati Minor Municipality- Shimoga Taluk

I have the honour to state that construction of buildings within certain limits of the Bhadravati Municipality in Shimoga Taluk has been prohibited by Government vide their marginally noted notifications

1. No L. 3736-ML 149-37-17 dated 8-11-1938
2. No L 3822-ML 98-39-4 dated 10-10-1939.

2) In accordance with the instructions contained therein, no buildings should be erected in the area referred to in the notifications, except with the permission of Government

3). In practice it is seen that whenever licenses for erecting buildings in these prohibited areas, are applied for, the local Municipal President would, after completing the records send up recommendations in each individual case for grant of permission or otherwise for the construction of the building in the localities referred to in the notifications and that grant of permission is being ordered by the Deputy Commissioner on the merits of each case This practice is in vogue eversince the year 1939.

4). I write to state in this connection, that proviso to section 80 (1) of the Minor Municipalities Act 1933, states that permission shall not be refused in the case of land which has been set apart as a building site by Government or the Municipal Council prior to the publication of such

such

such Notification.

5). I am doubtful as to whether I may grant permission to erect buildings in the areas now prohibited by virtue of Government Notifications dated 18th November 38 and 10th October 1939 without the delegation of such powers by Government.

6). I write to state in this connection that a number of cases will be referred to this office by the Municipality for grant of permission to construct buildings in the prohibuted areas and that it would involve unnecessary work to refer each case for the orders of Government.

7). I would therefore suggest that the power of granting permission to erect buildings in the areas now prohibited in respect of Bhadravati Old Town, may kindly be delegated to the Deputy Commissioner, Shimoga District to enable him to dispose of speedily, all such cases.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Shimoga District

DSU/2.

abd

Appendix F G—1]

SUBJECT

Section ml

File No 165-43

Serial No 4

Diary No of letter replied to

No L 3743

To

General and Revenue Secretariat

( )

the 194

Notification

Under Section 107

of the Mysore Minor Municipalities Act 1933, Govt are pleased to delegate to the D C Shimoga the power of granting permission to erect buildings in the areas ~~prohibited~~ in the Municipality under Sec 80(1) of the Act ~~prohibited from being built upon in~~ ~~notification areas of the Bhadra~~ Vata Minor Municipality ~~Under~~ in notifications nos (1) L 3753/ML 169-37-17 dated 8-11-38 (2) L 3822/ML 98-39-6 dated 10-10-39 ~~of the D C Shimoga dist~~

Date of issue 25/9

Signed by Jt Secy to Govt

List of enclosures

Copied by K.N.D 26/9

Examined by L 3744-6. 25/9

By order

Jt Secy to Govt

WD 04161—GPB—60 000—21 10 41

To the Comptroller Mysore Gaz for publication in the Gazette / and Supply of 25 copies to the D C Shimoga dist and 10 copies to the Secy. Law Dept

P.T.O